

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed April 26, 2005. Reconsideration and allowance of the application and presently pending claims 1-28 are respectfully requested.

1. Serial Numbers of Referenced Patents

Applicants amend the specification to include patent numbers of the applications referenced on page 1 of the present application.

2. Response to Rejection of Claims 1, 4, 11-13, 20 and 25 Under 35 U.S.C. §102(e)

In the Office Action, claims 1, 4, 11-13, 20 and 25 stand rejected under 35 U.S.C §102(e) as allegedly being unpatentable by *Anderson* (U.S. Patent 6,249,316), hereinafter *Anderson*.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. §102(e).

In the present case, not every feature of the claimed invention is represented in the *Anderson* reference. Applicants discuss the *Anderson* reference and Applicant's claims in the following.

a. Claim 1

As provided in independent claim 1, Applicants claim:

A digital camera, comprising:
a photoelement array for capturing image data;
a memory for saving said image data;
a processor in communication with said memory;
a display in communication with said processor for exhibiting
said image data; and
program code stored in said memory and executed by said
processor, said program code comprising a delete page module for
purging said image data from said memory, ***said delete page module
comprising:***
***a first code segment for displaying a delete confirmation
prompt on said display; and***

a second code segment for displaying an animation on said display, wherein said animation is a metaphor for an irreversible deletion of said image data from said memory.

(Emphasis added).

In the present response, claim 1 has been amended to include the features of claims 2 and 6, and claims 2 and 6 have been canceled. The outstanding office action acknowledges that *Anderson* is legally inadequate to anticipate the features of claim 1, as amended. Therefore, the rejection of claim 1 under 35 U.S.C. §102(e) should be withdrawn, for at least this reason.

Further, Applicants respectfully submit that the cited art references, in their entirety, do not disclose all of the features of claim 1, as amended. For example, the Office Action alleges that *Capps* (U.S. Patent No. 5,596,694) discloses the feature “wherein said animation is a metaphor for an irreversible deletion of said image data from said memory.”

Rather, *Capps* explains that “a file on a Macintosh computer can be represented by an icon on the computer’s screen that resembles a file folder. To delete or “trash” the file, it can be selected and dragged to an icon of a trash can.” Col. 1, lines 28-31. As such, moving a file to the trash icon does not suggest irreversible deletion of the file, since the file can be restored or recovered from the file folder represented by the trash can icon. Accordingly, the action of moving a file to the file folder represented by the trash can icon in *Capps* is represented by “crumpling the object” or folding an object into a paper airplane “which is ‘flown’ into the garbage can” also does not suggest a metaphor for an irreversible deletion, since an object may typically be uncrumpled and an object may be typically unfolded. See col. 2, 40-41 and col. 8, lines 31-38. Therefore, *Capps* fails to suggest or teach the feature “wherein said animation is a metaphor for an irreversible deletion of said image data from said memory,” as recited in claim 1. Thus, a prima facie case establishing an obviousness rejection by *Anderson* in view of *Capps* may not be made for claim 1.

For at least the reasons set forth above, the rejection of claim 1 should be withdrawn.

b. Claim 4

Because independent claim 1 is allowable over the cited art of record, dependent claim 4 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 4 contains all the elements and features of independent claim 1. For at least this reason, the rejection of claim 4 should be withdrawn.

c. Claim 11

As provided in independent claim 11, Applicants claim:

A digital camera, comprising:
capturing means for acquiring image data;
storage means for saving said image data;
processing means in communication with said storage means;
display means in communication with said processing means
for exhibiting said image data; and
program code stored in said storage means and executed by
said processing means, said program code comprising a delete page
module for purging said image data from said storage means, ***said
delete page module comprising a first code segment for displaying an
animation on said display, wherein said animation is a metaphor for
an irreversible deletion of said image data from said storage means.***

(Emphasis added).

In the present response, claim 11 has been amended to include the features of claims 14 and 17, and claims 14 and 17 have been canceled. The outstanding office action acknowledges that *Anderson* is legally inadequate to anticipate the features of claim 11, as amended. Therefore, the rejection of claim 11 under 35 U.S.C. §102(e) should be withdrawn, for at least this reason.

Further, Applicants respectfully submit that the cited art references, in their entirety, do not disclose all of the features of claim 11, as amended. For example, the Office Action alleges that *Capps* (U.S. Patent No. 5,596,694) discloses the feature “wherein said animation is a metaphor for an irreversible deletion of said image data from said storage means.”

Rather, *Capps* explains that “a file on a Macintosh computer can be represented by an icon on the computer’s screen that resembles a file folder. To delete or “trash” the file, it can be selected and dragged to an icon of a trash can.” Col. 1, lines 28-31. As such, moving a file to the trash icon does not suggest irreversible deletion of the file,

since the file can be restored or recovered from the file folder represented by the trash can icon. Accordingly, the action of moving a file to the file folder represented by the trash can icon in *Capps* is represented by “crumpling the object” or folding an object into a paper airplane “which is ‘flown’ into the garbage can” also does not suggest a metaphor for an irreversible deletion, since an object may typically be uncrumpled and an object may be typically unfolded. See col. 2, 40-41 and col. 8, lines 31-38. Therefore, *Capps* fails to suggest or teach the feature “wherein said animation is a metaphor for an irreversible deletion of said image data from said storage means,” as recited in claim 11. Thus, a prima facie case establishing an obviousness rejection by *Anderson* in view of *Capps* may not be made for claim 11.

For at least the reasons set forth above, the rejection of claim 11 should be withdrawn.

d. Claims 12-13

Because independent claim 11 is allowable over the cited art of record, dependent claims 12-13 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that the dependent claims 12-13 contain all the steps and features of independent claim 11. For at least this reason, the rejection of claims 12-13 should be withdrawn.

e. Claim 20

As provided in independent claim 20, Applicants claim:

A method for purging image data from a digital camera, comprising the steps of:

- capturing image data on a photoelement array in the digital camera;
- saving the image data in a memory;
- implementing a processor to communicate with said memory;
- exhibiting the image data on a display in communication with the processor;
- executing program code stored in said memory by the processor, wherein the program code operates to purge the image data from the memory;
- and

displaying an animation on the display corresponding to a delete function, wherein the animation is a metaphor for an irreversible deletion of the image data from the memory.

(Emphasis added).

In the present response, claim 20 has been amended to include the features of claims 21 and 23, and claims 21 and 23 have been canceled. The outstanding office action acknowledges that *Anderson* is legally inadequate to anticipate the features of claim 30, as amended. Therefore, the rejection of claim 20 under 35 U.S.C. §102(e) should be withdrawn, for at least this reason.

Further, Applicants respectfully submit that the cited art references, in their entirety, do not disclose all of the features of claim 20, as amended. For example, the Office Action alleges that *Capps* (U.S. Patent No. 5,596,694) discloses the feature of “displaying an animation on the display corresponding to a delete function, wherein the animation is a metaphor for an irreversible deletion of the image data from the memory.”

Rather, *Capps* explains that “a file on a Macintosh computer can be represented by an icon on the computer’s screen that resembles a file folder. To delete or “trash” the file, it can be selected and dragged to an icon of a trash can.” Col. 1, lines 28-31. As such, moving a file to the trash icon does not suggest irreversible deletion of the file, since the file can be restored or recovered from the file folder represented by the trash can icon. Accordingly, the action of moving a file to the file folder represented by the trash can icon in *Capps* is represented by “crumpling the object” or folding an object into a paper airplane “which is ‘flown’ into the garbage can” also does not suggest a metaphor for an irreversible deletion, since an object may typically be uncrumpled and an object may be typically unfolded. See col. 2, 40-41 and col. 8, lines 31-38. Therefore, *Capps* fails to suggest or teach the feature of “displaying an animation on the display corresponding to a delete function, wherein the animation is a metaphor for an irreversible deletion of the image data from the memory,” as recited in claim 20. Thus, a prima facie case establishing an obviousness rejection by *Anderson* in view of *Capps* may not be made for claim 20.

For at least the reasons set forth above, the rejection of claim 20 should be withdrawn.

f. Claim 25

Because independent claim 20 is allowable over the cited art of record, dependent claim 25 (which depends from independent claim 20) is allowable as a matter of law for at least the reason that dependent claim 25 contains all the steps and

features of independent claim 20. For at least this reason, the rejection of claim 25 should be withdrawn.

3. Response to Rejection of Claims 2-3, 5-8, 14-15, 17-18, 21-24 and 26 Under 35 U.S.C. §103(a)

In the Office Action, claims 2-3, 5-8, 14-15, 17-18, 21-24 and 26 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Capps* (U.S. Patent 5,596,694). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 2 and 6

Without addressing the validity of the rejections, claims 2 and 6 have been cancelled without prejudice, waiver, or disclaimer, and therefore the rejections have been rendered moot.

b. Claims 3, 5, and 7-8

Because independent claim 1 is allowable over the cited art of record, dependent claims 3, 5, and 7-8 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 3, 5, and 7-8 contain all the elements and features of independent claim 1. For at least this reason, the rejection of claims 3, 5, and 7-8 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 3, 5, and 7-8, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. As one example, among others, claim 7 includes the feature “wherein said metaphor is a page of said image data turning into ash,” which is not taught or suggested by the cited art.

Accordingly, the rejections to these claims should be withdrawn.

c. Claims 14 and 17

Without addressing the validity of the rejections, claims 14 and 17 have been cancelled without prejudice, waiver, or disclaimer, and therefore the rejections have been rendered moot.

d. Claims 15 and 18

Because independent claim 11 is allowable over the cited art of record, dependent claims 15 and 18 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that the dependent claims 15 and 18 contain all the elements and features of independent claim 11. For at least this reason, the rejection of claims 15 and 18 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 15 and 18, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. As one example, among others, claim 18 includes the feature “wherein said metaphor is a page of said image data turning into ash,” which is not taught or suggested by the cited art.

Accordingly, the rejections to these claims should be withdrawn.

e. Claims 21 and 23

Without addressing the validity of the rejections, claims 21 and 23 have been cancelled without prejudice, waiver, or disclaimer, and therefore the rejections have been rendered moot.

f. Claims 22, 24, and 26

Because independent claim 20 is allowable over the cited art of record, dependent claims 22, 24, and 26 (which depend from independent claim 20) are allowable as a matter of law for at least the reason that the dependent claims contain all the steps and features of independent claim 20. For at least this reason, the rejection of claims 22, 24, and 26 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 22, 24, and 26, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably

distinct from the cited art of record. As one example, among others, claim 24 includes the feature “wherein said metaphor is a page of the image data turning into ash,” which is not taught or suggested by the cited art.

Accordingly, the rejections to these claims should be withdrawn.

4. Response to Rejection of Claims 9, 16, and 27 Under 35 U.S.C. §103(a)

In the Office Action, claims 9, 16, and 27 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Capps* in view of *Aruga* (U.S. Patent No. 6,429,896).

Because independent claims 1, 11, and 20 are allowable over the cited art of record, respective dependent claims 9, 16, and 27 (which depend from independent claims 1, 11, and 20) are allowable as a matter of law for at least the reason that the respective dependent claims contain all the steps and features of independent claims 1, 11, and 20. For at least this reason, the rejection of claims 9, 16, and 27 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 9, 16, and 276, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. As one example, among others, claim 9 includes the feature of a digital camera comprising “a fifth code segment for displaying a percentage of said memory to be made available on said display when said image data is purged from said memory,” which is not taught or suggested by the cited art. For example, *Aruga* discloses a separate “external storage device” that may be connected to, but is not part of, a digital camera.

Accordingly, the rejections to these claims should be withdrawn.

5. Response to Rejection of Claims 10, 19, and 28 Under 35 U.S.C. §103(a)

In the Office Action, claims 10, 19, and 28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Parulski* (U.S. Patent No. 5,666,159).


Because independent claims 1, 11, and 20 are allowable over the cited art of record, respective dependent claims 10, 19, and 28 (which depend from independent claims 1, 11, and 20) are allowable as a matter of law for at least the reason that the

respective dependent claims contain all the steps and features of independent claims 1, 11, and 20. For at least this reason, the rejection of claims 10, 19, and 28 should be withdrawn. For at least this reason, the rejections to these claims should be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-29 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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